

**HAWAII STATE
HOUSE OF REPRESENTATIVES**

REGULAR SESSION OF 2009

***ROUGH DRAFT
JOURNAL***

FIFTY-SIXTH DAY

APRIL 29, 2009

OFFICE OF THE CHIEF CLERK



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FIFTY-SIXTH DAY

Wednesday, April 29, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:07 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Reverend Superintendent Filemone Ma'u, Senior Pastor of the Honolulu Tongan Assembly of God, after which the Roll was called showing all members present with the exception of Representative Takai, who was excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Fifth Day was deferred.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 757) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 757, dated April 28, 2009, informing the House that the Senate has on April 27, 2009, agreed to the amendments proposed by the House to the following Senate Concurrent Resolution and that said resolution was this day adopted by the Senate:

S.C.R. No. 121, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, IN COOPERATION WITH THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF EDUCATION, AND THE HAWAII FARM BUREAU FEDERATION, TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO CONSIDER THE FEASIBILITY OF ESTABLISHING A FARM TO SCHOOL PROGRAM IN HAWAII'S PUBLIC SCHOOLS."

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Sagum introduced members of the Kauai Hotel Association: Ms. Denise Wardlow, Mr. Nick Arruda, Mr. Nick Nacion, Ms. Hualani Duncan, Ms. Kristina Caminos, Ms. Purita Norial, Ms. Lynell Cabael and Mr. Rody Ganiron.

Representative Tokioka introduced additional members from the Kauai Hotel Association: Mr. Randy Asuncion; Mr. Elliot Mills, General Manager of Waiohai Kalapaki Bay; Steve Yanner, General Manager of Waiohai Poipu Beach; Mr. Kaupena Kinimaka, Chief Security Officer at Marriott Kalapaki; Mr. Doug Sears, General Manager of the Grand Hyatt Poipu; Ms. Rosellyn Tan; Ms. Nancy Abigania; and Ms. Angela Hadler.

Representative Manahan introduced the Executive Director of the Hawaii Tourism Authority, Mr. Mike McCartney.

Representative Herkes further welcomed and recognized the Kauai Hotel Association delegation.

Representative Har introduced her constituent and member of the Kapolei Neighborhood Board, Mr. Keoni Dudley.

Representative Brower introduced his constituent, Mr. Alfred Herrera.

Representative Finnegan introduced former Representative Bev Harbin.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

The following measure was re-referred to committee by the Speaker:

H.R.
No.Re-referred to:

202

Committee on Hawaiian Affairs

STANDING COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1901) recommending that S.C.R. No. 89, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 89, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CLEAN UP AND INVESTIGATION OF ILLEGAL DUMPING AND ILLEGAL STRUCTURES AT LAUMAILE STREET IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT ILLEGAL DUMPING AND ILLEGAL STRUCTURES IN THE AREA," was adopted, with Representatives C. Lee, Morita, Sagum, Saiki and Takai being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1902) recommending that S.C.R. No. 132, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 132, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ESTABLISH A TASK FORCE TO DETERMINE THE ECONOMIC VALUE OF CONSTRUCTION IN HAWAII," was adopted, with Representatives C. Lee, Morita, Sagum, Saiki and Takai being excused.

CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Members, please note the 48-hour notice for Conference Committee Reports Numbers 10 through 13, 59 and 60 as listed on pages 2 and 3."

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 615, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 10) recommending that H.B. No. 615, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10 and H.B. No. 615, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," was deferred for a period of 48 hours.

Representatives Ito and Morita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 590, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 11) recommending that H.B. No. 590, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11 and H.B. No. 590, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," was deferred for a period of 48 hours.

Representatives Cabanilla, Herkes and Sagum, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1071, HD 3, SD 2, presented a report

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(Conf. Com. Rep. No. 12) recommending that H.B. No. 1071, HD 3, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12 and H.B. No. 1071, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS," was deferred for a period of 48 hours.

Representatives Tsuji, Morita and Ito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1351, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 13) recommending that H.B. No. 1351, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13 and H.B. No. 1351, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE AGRICULTURAL PARKS," was deferred for a period of 48 hours.

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 714, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 59) recommending that S.B. No. 714, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59 and S.B. No. 714, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES," was deferred for a period of 48 hours.

Representatives Hanohano and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 564, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 60) recommending that S.B. No. 564, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60 and S.B. No. 564, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering certain House bills for Final Reading by consent calendar. (Representatives C. Lee, Morita, Sagum, Saiki and Takai were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House bills, seconded by Representative Evans.

H.B. No. 591, HD 1, (SD 2)
H.B. No. 1061, HD 1, (SD 1)

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to request a ruling on a possible conflict on both of these bills. My law firm represents power purchase producers and private utilities."

At 12:16 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

Representative Keith-Agaran continued, stating:

"As I mentioned, my law firm represents power purchase producers and private utilities. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the noted House bills. (Representatives C. Lee, Morita, Sagum, Saiki and Takai were excused.)

The Chair addressed the Clerk who announced that the record of votes for said measures had been received, and that the requisite number of House Conferees appointed have cast affirmative votes to report said measures to the Floor.

H.B. No. 591, HD 1, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 591, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 5 (Morita, Tsuji, Herkes, Wakai and Thielen). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 591, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Final Reading by a vote of 46 ayes, with Representatives C. Lee, Morita, Sagum, Saiki and Takai being excused.

H.B. No. 1061, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1061, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Herkes, Karamatsu, Keith-Agaran and Marumoto). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1061, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Final Reading by a vote of 46 ayes, with Representatives C. Lee, Morita, Sagum, Saiki and Takai being excused.

At 12:18 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 591, HD 1, SD 2
H.B. No. 1061, HD 1, SD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House bill. (Representatives C. Lee, Morita, Sagum, Saiki and Takai were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House bill, seconded by Representative Evans.

H.B. No. 179, (SD 2)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House bill. (Representatives C. Lee, Morita, Sagum, Saiki and Takai were excused.)

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative Evans and carried. (Representatives C. Lee, Morita, Sagum, Saiki and Takai were excused.)

H.C.R. No. 97, HD 1, (SD 1)
H.C.R. No. 215, (SD 1)

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. No. 97, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, H.C.R. No. 97, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE EFFECTS OF REGULATING RESPIRATORY CARE PRACTITIONERS," was Adopted, with Representatives C. Lee, Morita, Sagum, Saiki and Takai being excused.

H.C.R. No. 215, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, H.C.R. No. 215, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW AND ASSESS THE POLICIES AND PROCEDURES IMPLEMENTED BY HOSPITALS TO REDUCE ELECTIVE CESAREAN SECTIONS AND INDUCTION OF LABOR," was Adopted, with Representatives C. Lee, Morita, Sagum, Saiki and Takai being excused.

ANNOUNCEMENT

Representative Har: "Thank you, Mr. Speaker. Colleagues, one of the best parts about being in this job is getting to work with all of you. And, for me personally, it's been a wonderful experience because I get to be the Vice-Chair to, I think one of the most entertaining Representatives in the House. I'd like you to all join me because he was born 65 years ago, and he's now a wonderful blessing to all of us. Members, please join me in wishing a very happy birthday to Chair Ken Ito."

ADJOURNMENT

At 12:22 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Thursday, April 30, 2009. (Representatives C. Lee, Morita, Sagum, Saiki and Takai were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 29, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by

the Senate on April 16, 2009, and gives notice of intent to agree to the following House bill:

H.B. No. 179, SD 2

House Communication dated April 29, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House bills on Final Reading:

H.B. No. 591, HD 1, SD 2

H.B. No. 1061, HD 1, SD 1

House Communication dated April 29, 2009, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. No. 97, HD 1, SD 1

H.C.R. No. 215, SD 1